

Remarks

The Office Action dated May 22, 2002, has been noted, and its contents carefully studied. In light of the above amendments and the following discussion, reconsideration is courteously requested.

The Invention

To facilitate reconsideration, the following discussion of the invention is presented for the Examiner's kind consideration. In one aspect, the invention is directed to a method for image based transactions, which as previously discussed, includes the steps of receiving at a first location at least one of an instrument and cash having a front and back face. The front and back face are scanned to create a deposited instrument or an electronic validation of deposited cash. An image of the scanned deposited instrument or cash is then transmitted from the first location to a second location and the transaction is processed with the image of the scanned deposited instrument or electronic validation of the deposited cash. In this regard, it is important to appreciate that the transaction is processed with the actual image, and not with transmitted selected data obtained from the scan for purposes of conducting a transaction for user which are verified within a system.

This is further clarified by new method claim 40 which provides in part a similar recitation to claim 1, but now further states that the transaction is conducted without verification of the signature of a user initiating the transaction in the case of a deposited instrument, which is used to verify the users profiled within a specified system.

In a system aspect, the invention includes means for accepting at a first location one of an instrument and cash having a front and a back face. A scanner at the first location serves to scan the front face and the back face for creating an image of the deposited instrument or cash. Means are provided for transmitting the image from the first location at the second location. The second location is configured for receiving the transmitted image, and further includes means for processing a transaction with the image, not data about the image, as a substitute for the deposited

instrument or cash which was deposited at the first location. As a result, pickup of the instrument and cash can be delayed or eliminated.

As clearly stated in the application, such a system can be used within the Federal Reserve System to reduce the flow resulting from the transportation of checks between clearinghouses and branches of the Federal Reserve.

With respect to new system claim 45, it substantially parallels independent system claim 24 but includes the additional feature of reciting that the means for processing the transaction is capable of doing it without verification of the signature of a user initiating the transaction in the case of a deposited instrument, which is used to verify the user is a profiled user within a specified system.

It is respectfully urged that both the original claims, as well as the newly-added claims, clearly distinguish over the cited references under 35 U.S.C. 102 and/or 103, as will be clearly evident from the following detailed discussion of those references which is presented herein for the Examiner's kind consideration.

U.S. Patent No. 5,897,625 to Gustin, et al

U.S. Patent No. 5,897,625 to Gustin, et al (hereinafter Gustin) discloses an automated document cashing system which is used to increase ATM profitability. In one specific aspect, Gustin is specifically limited to an ATM system which also cashes money orders and checks without a teller, column 4, ll. 1-8. The system operates on the basis that it is configured to be able to read cursive signatures for checks or money orders, column 4, ll. 9-16, and requires that the cursive signature that is read and recognized be that of a profiled qualified user within the system.

In this regard, in the case where the signature is verified, the verification is sent to the network, column 13, ll. 39-55, and information obtained from a scan of the check is provided and sent to the network, not an image of the instrument, column 14, ll. 33-38.

In all cases, the user seeking to do the transaction must be a profiled user within a closed system and there is no remote teaching or suggestion therein of processing a transaction at a second location with a scanned image of a deposited instrument as a substitute for the instrument deposited at the first location.

These features are clearly set forth in the independent claims, as well as in more specific aspects in the dependent claims in Applicant's application, and simply not taught or suggested, absent a hindsight interpretation of Gustin, from Gustin standing alone or in combination with the previously cited Cahill reference.

U.S. Patent 5,678,046 to Cahill, et al

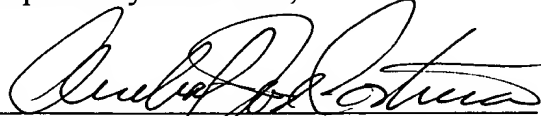
U.S. Patent 5,678,046 to Cahill, et al (hereinafter Cahill), as previously noted merely provides a system and method for storing and retrieving images of previously processed documents such as checks. There is no teaching or suggestion therein of conducting a transaction with a scanned image of an instrument which serves as a substitute for the original instrument deposited at a first location. Cahill merely provides a way for payor banks to maintain millions upon millions of copies of checks in their files to comply with possible later uses of those checks.

In fact, there is no motivation to combine the teachings of Cahill with Gustin, because Gustin is specifically limited to the concept of serving the needs and increasing profitability of ATMs used by profiled users within a closed system, and not intended to provide or suggest a system where a substitute for originally deposited instruments can be used to conduct a transaction. The stubborn fact remains that there is nothing in either of the two cited references which would lead one of ordinary skill in the art to develop a system such as that claimed by Applicant wherein the secondary created images at a second location, at which those images can actually be duplicated as physical paper duplicates of the original instrument, are used at the second location to conduct the transaction which is ordinarily conducted in its final form through processing of the original instrument itself. In fact, in one aspect the instrument at the first location is specifically voided to allow the image received at the second location to serve as a substitute and thereby prevent further processing with the original instrument, see for example, claim 17. This is clearly not taught or suggested by the references.

Thus, for the foregoing reasons, and in light of the newly added claims, it is respectfully urged that all of the claims clearly define patentable subject matter under 35 U.S.C. 102 and/or 103. Nonetheless, should the Examiner still have any

comments, questions or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, he is courteously requested to telephone the undersigned at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. José Cortina", written over a horizontal line.

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